

AMENDED IN SENATE AUGUST 13, 2002

AMENDED IN ASSEMBLY APRIL 11, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1947

Introduced by Assembly Member Washington
(Principal coauthor: Assembly Member Goldberg)
(Coauthors: Assembly Members Alquist, Aroner, Cedillo, Cohn,
Koretz, and Longville)
(Coauthors: Senators Kuehl, Romero, and Vasconcellos)

February 14, 2002

An act to ~~amend and repeal Section 11251.3 of, and to add Section 18901.3 to,~~ the Welfare and Institutions Code, relating to human services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1947, as amended, Washington. Public assistance: eligibility: Substance Abuse and Crime Prevention Act of 2000.

Existing law provides for the Food Stamp Program, under which food stamps allocated to the state by the federal government are distributed to eligible individuals by each county.

Existing law provides that a person convicted of specified felonies related to controlled substances shall be ineligible for aid under the CalWORKs program, ~~and also for non-health-care general assistance benefits and food stamps~~ *Food Stamp Program*.

The existing Substance Abuse and Crime Prevention Act of 2000 requires parolees and persons convicted of nonviolent drug possession offenses to participate in and complete an appropriate drug treatment

program as a condition of receiving probation, under specified circumstances.

This bill would provide that an individual who has been convicted of a felony shall not ~~be deemed ineligible~~ *be eligible* for aid under the ~~CalWORKs program and the Food Stamp Program, as well as for non-health-care general assistance benefits~~, if he or she is enrolled in a drug treatment program in accordance with the Substance Abuse and Crime Prevention Act of 2000. By changing eligibility standards under the ~~CalWORKs program Food Stamp Program~~, this bill would increase the responsibilities of counties in the administration of the program, thereby resulting in a state-mandated local program.

~~Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program.~~

~~This bill would, instead, provide that the continuous appropriation would not be made for the purpose of funding the CalWORKs allowances for persons made eligible by this bill.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1.—Section 11251.3 of the Welfare and Institutions~~
- 2 ~~Code, as added by Section 1 of Chapter 283 of the Statutes of 1997,~~
- 3 ~~is repealed.~~
- 4 ~~SEC. 2.—Section 11251.3 of the Welfare and Institutions Code,~~
- 5 ~~as added by Section 1 of Chapter 284 of the Statutes of 1997, is~~
- 6 ~~amended to read:~~
- 7 ~~11251.3.—(a) (1) An individual shall be ineligible for aid~~
- 8 ~~under this chapter if the individual has been convicted in state or~~

~~federal court after December 31, 1997, including any plea of guilty or nolo contendere, of a felony that has as an element the possession, use, or distribution of a controlled substance, as defined in Section 102(6) of the Controlled Substances Act (21 U.S.C. Sec. 802(6)) or Division 10 (commencing with Section 11000) of the Health and Safety Code.~~

~~(2) (A) Paragraph (1) shall not apply to an individual who is enrolled in a drug treatment program in accordance with the Substance Abuse and Crime Prevention Act of 2000, enacted by the voters by initiative Proposition 36, at the November 7, 2000, statewide general election.~~

~~(B) No appropriation pursuant to Section 15200 shall be made for the purpose of funding an allowance under this chapter for persons made eligible for that allowance by this paragraph.~~

~~(b) For a family receiving aid under this chapter that includes an individual who is ineligible pursuant to subdivision (a), a county shall issue vouchers or vendor payments for at least rent and utilities payments.~~

~~SEC. 3.—~~

SECTION 1. Section 18901.3 is added to the Welfare and Institutions Code, to read:

18901.3. Pursuant to Section 115(d)(1)(A) of Public Law 104-193 (21 U.S.C. Sec. 862a(d)(1)(A)), California opts out of the provisions of Section 115(a)(2) of Public Law 104-193 (21 U.S.C. Sec. 862a(a)(2)). Convicted drug felons shall be eligible for food stamps under the same conditions as those required for CalWORKs eligibility, as set forth in Section 11251.3, to the extent permitted under the federal Food Stamp Program.

~~SEC. 4.— stamps when he or she is enrolled in a drug treatment program in accordance with the Substance Abuse and Crime Prevention Act of 2000, enacted by the voters by Initiative Proposition 36, at the November 7, 2000, statewide general election, and, upon completion of the program he or she shall be eligible during the period of submission and consideration of a petition for dismissal of the charges.~~

SEC. 2. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title

1 2 of the Government Code. If the statewide cost of the claim for
2 reimbursement does not exceed one million dollars (\$1,000,000),
3 reimbursement shall be made from the State Mandates Claims
4 Fund.

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